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**Continental  
Airlines**

DEPT. OF TRANSPORTATION  
SECURITY

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Continental Airlines, Inc.  
Flight Standards and Training  
17441 John F Kennedy Blvd  
Houston TX 77032



April 22, 2002

FAA-02-12253-1

Rules Docket (AGC-10)  
Federal Aviation Administration  
800 Independence Avenue  
Washington, D.C. 20591

Re: Request for Exemption from parts of FAR 121.440

To Whom It May Concern:

In accordance with Federal Aviation Regulations (FAR) Section 11.25, Continental Airlines hereby petitions the Administrator for an Exemption or other regulatory relief, to the extent necessary to permit the line check requirement of FAR 121.440 to be met by an alternative line check program.

Continental Airlines recognizes and endorses the current industry trend toward Crew Resource Management (CRM) as an effective method of improving aviation safety. Continental Airlines proposed alternative program would shift some of its current resources allocated to the traditional line check program to provide greater emphasis on effective CRM techniques among its crewmembers. This exemption, when approved, would permit Continental Airlines to reduce the line checks of its PICs by fifty percent (50%) in a given year. During each PIC line check, the performance of the entire crew as a unit will be evaluated using CRM crew performance indicators specially designed to evaluate Continental Airlines flight crews. In addition, Continental Airlines will ensure that no PIC will go more than 25 months (24 months plus 1) without a line check, and that all PICs will get a line check in their first year as a Captain.

Furthermore, Continental Airlines believes that performing a line check at random intervals will enhance the overall quality of the current line check program. Under a random program, there would be no advance knowledge on the part of the PIC that a check is about to be given. Random line checking will also increase utilization and efficiency of the check airman staff by allowing the use of positioning and depositioning legs to conduct spot line checks instead of the deadheading required under the traditional line check program.

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### **Sections of the FAR affected**

Section 121.440, paragraph (a) and (b) (2) state:

- (a) No certificate holder may use any person, nor may any person serve as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplane he is to fly.
- (b)(2) A pilot in command line check for domestic and flag air carrier pilots must consist of at least one flight over a typical part of the air carrier's route, or over a foreign or federal airway, or over a direct route.

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## **Background**

The annual PIC line check has been a regulatory requirement for many years. In a major revision of Civil Air Regulations Part 40, adopted on April 13, 1953, the Civil Aeronautics Board (CAB) noted: "Provisions for a line check are included as a means of requiring the carrier to ascertain that the training provided the pilot is reflected in typical route operations." Those provisions were included in CAR Section 40.302, and though clarifying changes have occurred since, the basic annual PIC line check requirement remains the same today in FAR 121.440.

The key feature of the Advanced Qualification Program (AQP) is the application of a "crew concept" approach in training and line evaluations. Crew concept at Continental Airlines includes the application of Crew Resource Management (CRM) principles. However, the requirements associated with the current line check program clearly focus the entire check on the PIC. Under our proposal, the other cockpit crewmember will receive an equal level of attention.

We strongly believe the requirement to line check each PIC every year is obsolete, inadequate, and dated with respect to achieving the purpose intended. However, we do maintain that the checking of the entire crew would increase safety and provide better feedback for developing training programs.

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### **Discussion of proposed alternative line check program**

Continental Airlines' experience through many years of performing an annual PIC line check has shown there is little evidence that supports the value of a program that checks every PIC annually. We maintain there is greater value to increasing line check frequency to pilots who have demonstrated a need for greater scrutiny. One such group of pilots is those who are serving for the first time as captain at Continental Airlines. Another group of pilots who need greater evaluation are those who have failed to meet a minimum standard during a proficiency check, LOE, or line check. Continental Airlines identifies these pilots through a "Special Tracking" program. In addition to these two groups, a random sampling of remaining PICs should be entirely sufficient to validate the efficiency of training as it relates to line operations. Continental Airlines will assure a statistically valid sampling system is used to ensure its line check and CRM evaluations are conducted on all aircraft fleet types on routes typically flown by that aircraft.

Continental Airlines proposes the Exemption to FAR 121.440, paragraph (a), Condition and Limitation No. 5, be replaced with the following:

5. Continental Airlines shall ensure that 50% of its PICs are given a line check each calendar year. In addition, to that group of PICs, all PICs in their first year as captain at Continental Airlines and all PICs in Continental Airlines "Special Tracking" program will be given line checks. PICs on special tracking will be given line checks as appropriate but not less than once each 12 months. Additional selected PICs will be given line checks throughout the year in a comprehensive program that ensures line check are conducted on all aircraft fleet types consisting of at least one segment over a typical route flown by that aircraft. Although only 50% of PICs must be checked in any given year, Continental Airlines will ensure that the time interval between PIC line checks for any given individual will not exceed 25 months (24 months plus 1). Additionally, crew resource management skills will be evaluated for the entire flight deck crew.

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### **No adverse affect on safety**

FAR Section 11.25 requires an exemption petition to show why the exemption would not adversely affect safety, or how the petitioner would provide a level of safety equal to or exceeding that provided by the rule from which the exemption is sought.

The intent of the rule from which Continental Airlines petitions for exemption is to "provide a means of requiring the carrier to ascertain that the training provided the pilot is reflected in typical route operations." Since the adoption of the rule, both the FAA and the industry have become much more sophisticated in their ability to make such determinations. Moreover, we all have learned that it is important to make those determinations on other basis, not just on the basis of checking the PIC alone. It is universally acknowledged that crew performance is the key to flight safety and the avoidance of mishaps. Continental Airlines proposed alternative line program would concentrate supervisory resources in areas known to be most important for enhancing flight safety.

The PICs not given a line check in any given year under the alternative program are in a group that has proven through experience and data collection not to need a line check every year. Because of its comprehensive nature, Continental Airlines strongly believes our proposed alternative line check program will provide a level of safety much greater than that provided by the rule from which exemption is sought. Lest there be concern that granting the exemption would remove some last and only opportunity to annually check each PIC, it should be noted that each PIC, as well as all other flight crew members are checked each year with a proficiency check/maneuver validation and LOFT/LOE. These simulator events are the real proficiency filter. Moreover, a FAA inspector observes each new PIC during operating experience following an advanced simulator-training program. In addition, FAA inspectors conduct line checks without limit and completely at the FAA's discretion. Finally, the provision, which precludes any PIC from exceeding 25 months (24 months plus 1) without a line check, will ensure that all PICs are line checked regularly.

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## **Public Interest**

FAR Section 11.25 also requires that the petitioner for an exemption show why the granting of the request would be in the public interest.

The conduct of a PIC line check is a supervisory task that requires a supervisor-to-employee ratio of one to one. In other words, it is a task that is highly labor intensive. Economic realities and good business practice require a continuing effort to improve efficiency. The cost of conducting business is borne by the customer. Therefore, it is in the public interest to operate as efficiently as possible, thereby controlling the costs of air transportation. Not only will Continental Airlines' proposed alternative line check program help control costs, but a well-targeted program which includes a focus on crew coordination is expected to pay safety dividends which is always in the public interest and a high priority of the traveling public.

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### Summary

Continental Airlines petitions for an exemption or other appropriate regulatory relief to permit an alternative line check program to that required by FAR Section 121.440. The proposed alternative line check program will provide a level of safety equivalent to or greater than current line check methods and focus additional effort on monitoring overall crew performance.

Please advise if there is additional information required for consideration of this petition.

Sincerely,

Jay Ellzey  
Managing Director, Flight Standards & Training

cc: D. McCoy, CALA  
F. Abbott, CALA  
B. Ingraham, CALA  
D. Klos, FAA  
T. Longridge, FAA